

without any express delegation of power for that purpose. But the legislature have not the power to say, that the person elected should be a lawyer, unless it be so declared by this Convention. That qualification, no less than the place and term of residence, ought to be fixed in the the Constitution.

The legislature have no more right to fix the one than the other. If we leave out the provision requiring that the prosecuting attorney must be a lawyer, we have no right to require that the appointment should be confined to the legal profession; our omission of its requisition may lead to dangerous consequences. The people might elect a man who is entirely ignorant of law, and the consequence would be that all criminals would go "Scott free." And if a case of abolition, abduction or lynch law were to come before the court, the persons charged might evade punishment from the incompetence of the State's Attorney to conduct a criminal prosecution; the same may, be said of murder or any other crime. Or if it was necessary to sue on bonds, or to carry on any case in which the finances of the State were in jeopardy, would you leave the public interests to be sacrificed for want of legal counsel, qualified to act for the State?

The qualifications for electors and candidates have been fixed, as they should be, in the Constitution in such a way as will but promote the advantage of the State; and it is equally necessary that we should guard this important safeguard to the interest of the State—the qualifications of the State's Attorneys. We are obliged to do many things which may appear to be unnecessary, but such is not the condition of the matter now under consideration.

Mr. SPENCER said:

That the gentleman from Baltimore county, had taken the ground, when arguing against the proposition which he, (Mr. S.,) had submitted, that all the elections in our State do not turn on subjects connected with the interests of the State are not influenced by local causes, but are, in a greater or less degree, controlled by national politics. In the elections for members of the legislature, national politics do enter, because they are connected with national politics, and give strength to them; and according to their results the general administration is encouraged or discouraged.

But he was clearly of opinion, that, in reference to the elections of judges or prosecuting attorneys, the elections ought to be kept entirely separate, and beyond the reach of these political influences. The legislature act in their own sphere when they express political opinions. But it is not so with judges and prosecuting attorneys. And herein lies the difference, and this is the reason why the elections for the legislature, and those for the judicial officers should be kept distinct.

In relation to the Governor's election, he had never known a period when national politics did not enter into the elements. But it sometimes happened that local influences were so strong as to over-power those which were national in their character. It was so in relation to the reform

movement which led to this Convention. It was so powerful as to override all questions of national politics.

With these facts before him, he must express his belief that the gentleman from Baltimore county, had not assigned sufficient reasons why his, (Mr. S's.,) proposition should not be adopted.

The question was taken on striking out, And was decided in the negative.

So the Convention refused to strike out.

The bill, as amended, was then adopted.

On motion of Mr. SHRIVER,

The bill, as amended, was ordered to be printed.

#### BASIS OF REPRESENTATION.

Mr. SCHLEY enquired of the chair what was the next order of business?

The CHAIR, (occupied temporarily by Mr. Ware, of Baltimore city,) stated that the business next in order would be the reports of the committee on representation.

Some conversation followed.

Mr. JOHN NEWCOMER moved that the Convention proceed to the consideration of the report of the committee on the elective franchise.

Mr. GWINN submitted to the CHAIR, that the elective franchise report could not be taken up, without a motion to postpone the special order.

The CHAIR decided that the representation question, (being the special order,) must be taken up, and that a motion to postpone would then be in order.

Mr. KILGOUR moved that the consideration of the special order be postponed until Monday next.

Mr. SCHLEY moved Monday week.

Mr. MERRICK rose and said:

That he believed the regular order of the day was the report of the committee on representation. He was anxious that this very important question should be taken up for consideration, and that if it was postponed, it would be only for a short period. But he could not refrain from giving his assent to the motion of the gentleman from Montgomery, (Mr. Kilgour,) when he looked round and saw the thin condition of the House. He hoped that when this great question should come up, a question on the grave and wise consideration of which so much of the harmony of our future deliberations may depend, the Convention would be full. He was willing, therefore, that the order of the day should go over until Monday next, by which time he hoped that every member of this body would be in his place and prepared to take up this question with a determination to go on with it until it shall be finally disposed of. He would remind the Convention that this subject was fixed for yesterday, but before he left the seat of government recently, and after the Convention had decided on that day, he ascertained that a number of gentlemen who were called home on business, went with a full belief that it would not be taken up for consideration before next week; therefore, they had not yet returned. If then the subject could be